

DATE

Shannon Hunt
Acting Human Resources Director
La. Department of Education
P.O. Box 94064
Baton Rouge, Louisiana 70804-9064

Re: **Louisiana Board of Ethics**
Docket No. 2021-745

Dear Ms. Hunt,

The Louisiana Board of Ethics, at its meeting on October 8, 2021, considered your request for approval of a disqualification plan concerning the employment of Ashley Powell by the Louisiana Department of Education ("LDOE").

FACTS PROVIDED

LDOE would like to hire Ashley Powell as a Licensing Specialist in the Office of Teaching and Learning, Early Childhood Operations, Division of Licensing, which is under the supervision of Director Sheila Campbell. Ms. Powell's sister, Yvette McDowell, is a Program Manager within the Division of Licensing.

PROPOSED DISQUALIFICATION PLAN

In order to avoid any potential conflict of interest, the disqualification plan proposes that Ashley Powell will be placed under the supervision of Program Manager Andrea Burl. In the event Andrea Burl is unavailable, any issues involving the employment of Ashley Powell will be handled by Director Sheila Campbell.

LAW

La. R.S. 42:1119A: No member of the immediate family of an agency head shall be employed in his agency.

La. R.S. 42:1102(3) defines "Agency head" to mean the chief executive or administrative officer of an agency.

La. R.S. 42:1112B(1): No public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any member of his immediate family has a substantial economic interest.

La. R.S. 42:1112C allows a disqualification plan to be developed in accordance with rules adopted by the Board to remove a public servant from participating in transactions that would otherwise present violations of Section 1112 of the Code.

CONCLUSION

The Board concluded, and instructed me to inform you, that Section 1119A would not prohibit Ashley Powell's employment by LDOE within the Division of Licensing, since her sister, Yvette McDowell, is not the agency head of the Division of Licensing, and she would be supervised by Program Manager Andrea Burl.

Additionally, the Board concluded, and instructed me to inform you, that the proposed disqualification plan meets the requirements of Chapter 14 of the Title 52 of the Louisiana Administrative Code - Rules of the Board of Ethics.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

David M. Bordelon
For the Board

DISCLAIMER
This is a draft opinion and it is NOT an opinion of the Louisiana Board of Ethics. No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.